

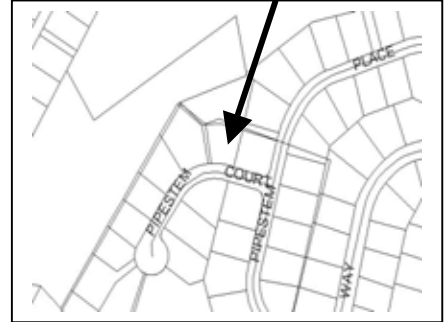
**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

April 28, 2006

SUBJECT:

Variance Application APP2006-00858

Applicant: Mr. James Kelly
3 Pipestem Court
Rockville, Maryland 20854



Property Location: 3 Pipestem Court

Board of Appeals Public Hearing Date: May 6, 2006

REQUEST:

The applicant is requesting a three and one-half foot variance from the rear yard setback requirement in order to construct a twelve foot wide by twenty-five and one half foot wide two-story addition, with basement, onto the left rear side of the house.

STAFF RECOMMENDATION:

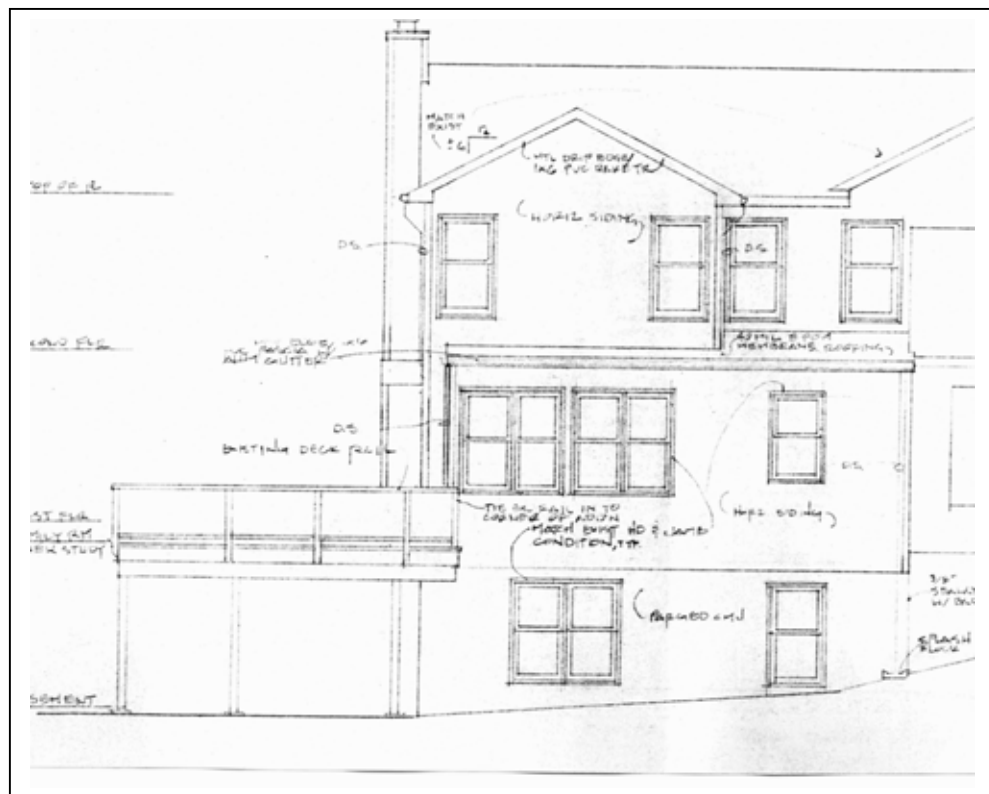
Approval, subject to the following conditions:

1. That the covered addition be constructed in substantial conformance with the submitted plans and with materials compatible with the existing home; and
2. The applicant must submit an Affidavit of Posting certifying that the public hearing sign has been posted on the property in accordance with City requirements.

ANALYSIS:

Project Proposal

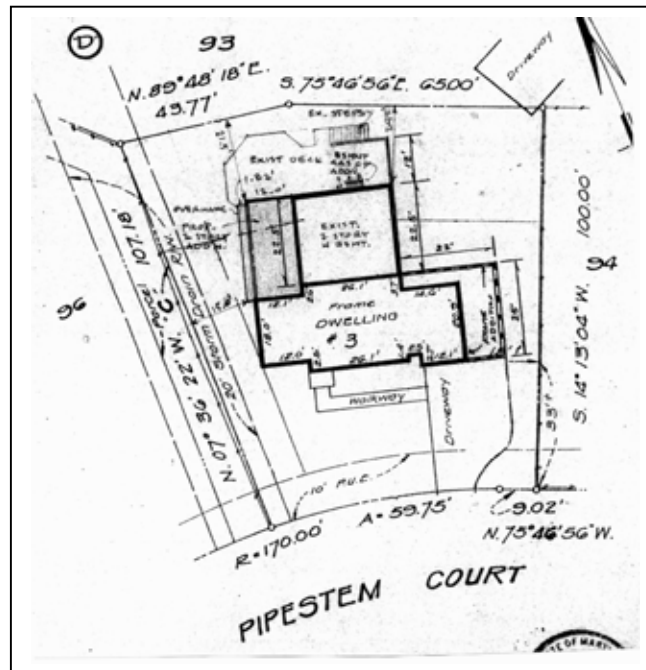
The applicant proposes to construct a twelve-foot wide by twenty-five and one-half foot deep addition onto the left rear of the house. The two-story with basement addition is proposed to square off the end of the house. A study is proposed on the first floor of the house. An expansion of the master bedroom and a rearrangement of some of the second floor spaces is proposed.



Property Description and Background

The property is located within the Fallsmead subdivision. The 9,140 square foot lot is located in the R-150 Zone. The lot is irregularly shaped with the right side and rear lot lines perpendicular to the front lot line. The left side lot line is broken into segments that are not parallel to the house or to the right side lot line. The distance between the house and the lot line varies from twelve to fourteen feet. The front of the lot is relatively flat but a significant grade change occurs on the side of the house that allows for a walkout basement door on the rear of the house.

On July 12, 1997, the Board reviewed and approved a variance of four and one half feet for the previous addition and deck that were placed on the rear of the dwelling. At that time, it was found that the minimal encroachment was in keeping with the original intent of the PRU approval for the house and that the impact of the deck, although it encroached nine feet more than allowed by-right, was mitigated by distance, orientation and existing vegetation.



Requested Variance

The property is located within the R-150 Zone but is governed by the approvals that were given with PRU-17A. Planned Residential Unit Application PRU-17A allowed for minimum lot sizes of 8,500 square feet and setbacks of twenty-five feet in the front, ten feet on each side and twenty-five feet in the rear. The proposed addition is planned to come within twenty-one and one-half feet of the property line, requiring a variance of three and one-half feet.

Applicable Sections of the Zoning Ordinance

Section 25-1 defines variance as a modification only of the density, bulk or area requirements, where such modification will not be contrary to the public interest and, owing to conditions unique to the property and not the result of any action taken by the applicant, of which literal enforcement of the ordinance would result in practical difficulty.

Staff Analysis and Recommendation

The following are the findings that must be made in order for the Board to approve a variance, as well as staff's observations.

1. **The variance as requested would not be contrary to the public interest.** The Architectural Control Committee for the Fallsmead Homes Corporation has reviewed and approved the proposed addition with the conditions that the addition be constructed in accordance with the plans and that all exterior finishes match existing finishes on the home. As noted previously, the Board has made the finding that the minimal encroachment is in keeping with the original approval of the PRU. For these reasons, the variance as requested would not be contrary to the public interest.
2. **The variance is requested owing to conditions peculiar to the property and not the result of any action taken by the applicant.** As previously determined, the Board found the property to be a pie-shaped lot located on a curving street, with a segmented rear lot line.
3. **A literal enforcement of the Ordinance will result in practical difficulty.** The proposed addition nestles in between the back and sidewalls of the existing structure. Without a variance, the addition would have to be set back an additional three and one-half feet. Because of the varying lot sizes and configurations in the neighborhood and the prior variance, holding the applicant to the required setback would result in practical difficulty.

Based on the above, staff recommends approval of Variance Application APP2006-00858.

NOTIFICATION

Notices about the public hearing were sent to 354 residences, including those that are legally required.